

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Jesus MADRIGAL-Mendez,
2.) Alfredo RIVERA-Preciado

Defendant(s)

Magistrate Case No. 08 AUG 11 AM 10:28

COMPLAINT FOR VIOLATION OF

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal Aliens

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **August 8, 2008**, within the Southern District of California, defendant **Jesus MADRIGAL-Mendez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Guadalupe REYES-Nunez, Nancy REYES-Nunez, and Ezequiel MONTES-Sanchez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **August 8, 2008**, within the Southern District of California, defendant **Alfredo RIVERA-Preciado**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Guadalupe REYES-Nunez, Nancy REYES-Nunez, Ezequiel MONTES-Sanchez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **AUGUST, 2008.**


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

DOA 8/8/08

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Jesus MADRIGAL-Mendez
Alfredo RIVERA-Preciado

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Maria Guadalupe REYES-Nunez**, **Nancy REYES-Nunez**, **Ezequiel MONTES-Sanchez**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 08, 2008, at approximately 2:11 a.m., Border Patrol Agent J. Tackett was assigned linewatch duties near the Otay Mesa, California Port of Entry which is located in the Chula Vista Border Patrol's area of operations. General Service Administration Security Officer G. Otis broadcasted over a secure bureau frequency that a port runner had just failed to yield for inspection and was traveling northbound in the southbound lanes of State Route 905 (SR-905) from Mexico into the United States. The vehicle was described as a black van. Moments later, Agent Tackett observed a black van passing through the intersection of Heritage Avenue and SR-905 and observed from approximately 15 to 20 feet away a young male, wearing a white shirt and a blue baseball cap, driving the suspected vehicle. Agent Tackett proceeded to follow the vehicle. As the suspected vehicle began to pass cars on SR-905, the lights from the overtaken vehicles were illuminating the human cargo from inside the vehicle. Bodies and heads of those individuals inside could be seen pressed against the glass of the vehicle.

The van proceeded northbound on Interstate 805 eventually taking Interstate 15 northbound. Agent Tackett observed the front passenger door open. Agent Tackett advised all units that were assisting in following the vehicle that it appeared the occupants of the vehicle were looking to bailout of the vehicle somewhere in this location. The vehicle proceeded into a dead-end street where the driver's side door opened. Agent Tackett observed that the driver of the vehicle was wearing blue jean pants. The driver of the vehicle then jumped out of the vehicle while it was still moving with occupants inside it. Agent Tackett observed that the driver was still wearing a blue baseball cap, blue jeans, and what appeared to be a white shirt. Agent Tackett immediately exited the vehicle, upon it coming to a rest, and began to chase after the driver. While engaging in a foot pursuit with the driver of the vehicle, Agent Tackett noticed the Ford van strike the curb of the cul-de-sac and run into a dirt embankment which brought the vehicle to a rest.

Agent Tackett ran past the vehicle and after a short foot pursuit he encountered the driver, later identified as the defendant **Jesus MADRIGAL-Mendez**. Agent Tackett was able to maintain visual observations of the driver from the moment he exited the Ford van until the time that the driver was apprehended. Agent Tackett placed the defendant under arrest at approximately 2:58 a.m. Four subjects bailed out of the front passenger side door. Border Patrol Agents G. Rodriguez and J. McKenzie pursued these four individuals and apprehended them after a short foot pursuit. These apprehensions and a search of the Ford van produced a total of thirty-seven 37 subjects apprehended from inside this van. All arrested individuals were transported to the Chula Vista Border Patrol Station for processing.

CONTINUATION OF COMPLAINT:**Jesus MADRIGAL-Mendez****Alfredo RIVERA-Preciado****DEFENDANT STATEMENT: Jesus MADRIGAL-Mendez**

Jesus MADRIGAL-Mendez stated that he is a citizen and national of Mexico, illegally present in the United States without any United States immigration documents allowing him to enter or remain in the United States. MADRIGAL-Mendez said that he knows an alien smuggler known to him as El Cholo who said he needed someone to drive a load vehicle with undocumented aliens north into the United States without been properly inspected by an immigration official. MADRIGAL-Mendez said that he was to be paid \$2,000.00 (USD) after he successfully smuggle the group. MADRIGAL-Mendez agreed because he needed the money to help his sick daughter in Michoacan. He also said that the plan was for him to wait for the black van near the Otay Mesa, California Port of Entry (POE) at 1:00 a.m. He was told to drive north on the southbound lanes of the POE. After he made it north into the United States, he was to take the Highway 125 northbound until he find a Ford Explorer that was going to wait for him alongside of the road. As soon as he sees the Ford Explorer he was to follow it to an unknown location. He also admitted of having knowledge that the people inside the van were undocumented aliens and the transporting them into the United States was a crime.

DEFENDANT STATEMENT: Alfredo RIVERA-Preciado

RIVERA-Preciado stated that he is a citizen and national of Mexico, illegally present in the United States without any United States immigration documents allowing him to enter or remain in the United States legally. RIVERA-Preciado was asked of his criminal history and admitted of being incarcerated for illegally re-entering the United States after being deported by an Immigration Judge. He said that he served from 15 to 18 months in prison and was on 3 to 5 years supervisory release. Furthermore, he said that he was aware of being in violation of his supervised release by re-entering the United States illegally. RIVERA-Preciado said that he met an alien smuggler in Tijuana, Mexico and explained his desires to cross into the United States. He also told the smuggler that his final destination was Portland, Oregon where he was going to seek employment. RIVERA-Preciado said he agreed to pay \$3,000.00 (USD) with the smuggler to be smuggled. He told the smuggler that he only had \$2,000.00 (USD) and the smuggler made another agreement with RIVERA-Preciado. He agreed to help smuggle a group of undocumented aliens into the United States in order to have more time to pay the \$1,000.00 (USD) he would owe to the smuggler. RIVERA-Preciado stated that he helped load up the people inside the van and keeping them calm.

CONTINUATION OF COMPLAINT:

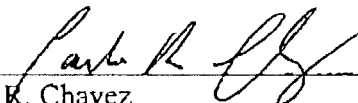
Jesus MADRIGAL-Mendez

Alfredo RIVERA-Preciado

MATERIAL WITNESSES STATEMENTS:

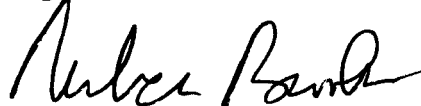
Material witnesses **Maria Guadalupe REYES-Nunez**, **Nancy REYES-Nunez** and **Ezequiel MONTES-Sanchez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay \$1,500.00 (USD) to be smuggled into the United States. Material witnesses **Maria Guadalupe REYES-Nunez**, **Nancy REYES-Nunez**, and **Ezequiel MONTES-Sanchez** were shown a photographic line up and were able to identify defendant **Jesus MADRIGA-Mendez** as the driver of the vehicle and were able to identify defendant **Alfredo RIVERA-Preciado** as the foot guide.

Executed on August 9, 2008, at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendants named in this probable cause statement committed the offense on **August 8, 2008**, in violation of Title 8, United States Code, Section 1324.



Ruben B. Brooks
United States Magistrate Judge

8/9/2008 at 10:50 a.m.,
Date/Time